



PLANNING COMMISSION

MINUTES

October 14, 2009

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Edward Whelan, III, Chair
Roy McAfee, Vice-Chair
Dr. Roy Gratz, Secretary
Vic Ramoneda
Ricardo Rigual, Absent
Susan Spears
Berkley Mitchell

CITY STAFF

Ray Ocel, Director of Planning

1. CALL TO ORDER

The October 14, 2009 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Ed Whelan.

2. PLEDGE OF ALLEGIANCE

3. PRESENTATION: Mr. Andy Waple, Principal Planner, FAMPO Lafayette Boulevard Corridor Study

Mr. Waple provided a PowerPoint presentation for the Lafayette Boulevard Corridor Study plan. He said he was seeking endorsement from the City in order to move forward with the plan in the near future.

Mr. McAfee asked if the National Park Service (NPS) had been participating in the process.

Mr. Waple said Mr. Russ Smith (NPS) had indeed been involved during the committee meetings on the study and supports the plan.

Mr. McAfee asked if the "plan" would require further approval from NPS.

Mr. Waple said that once the engineering plans are developed that they would definitely consult with Mr. Russ Smith.

Mr. Whelan asked if Right-of-Way's would be needed.

Mr. Waple said the only right-of-way that he can think of is the one that would be needed from the Blue Gray Parkway to the county (Spotsy) line.

Mr. Whelan asked where the funding for the project implementation would be obtained.

Mr. Waple said there is currently no funding available but there are hopes to obtain substantial funding in the future. He indicated that a matrix exists in the back of the plan, which shows what can be done short and long term.

Mr. Whelan asked what portion would be coming from the State budget.

Mr. Waple said he did not know at this time but that this is a good time to plan and have something ready to move forward once state funding is available.

Mr. Mitchell asked if the property owners along the corridor have been involved in the process.

Mr. Ocel responded yes.

Mr. McAfee noted that the plan calls for no utility relocations.

Mr. Waple said this is correct. No utility relocation in the downtown area of the proposed plan.

There were no further questions on the presentation

4. ELECTION OF OFFICERS

Mr. McAfee nominated Ms. Spears as Secretary

Mr. Mitchell seconded the nomination

Nomination carried by a unanimous vote.

Mr. McAfee nominated Dr. Gratz as Vice-Chair

Ms. Spears seconded the nomination

Nomination carried by a unanimous vote

Mr. Whelan nominated Mr. McAfee as Chair

Mr. Ramoneda seconded the nomination

Nomination carried by a unanimous vote

Mr. Ramoneda thanked Mr. Whelan for his service as Chairman for the past year.

Mr. McAfee assumed the Chair position and Mr. Whelan assumed his position on the Commission.

Mr. McAfee explained the standard meeting procedures for those present.

PUBLIC HEARING ITEMS

5. **SUP2007-05: Hughes Home** - Request to amend the previously approved special use permit that allowed the expansion of the 70 bed facility located at 100 Caroline Street by 40 beds and to construct additional parking within the 100 year floodplain. The property is zoned R-16, Residential and is designated as high density residential on the future land use map contained within the Comprehensive Plan. The applicant requests to amend the condition that requires occupancy of the expanded facility within 2 years of the approval of the special use permit in July of 2007.

Mr. McAfee noted that this item had been cancelled as the applicants no longer needed to obtain an extension on their previously issued special use permit.

6. Zoning Ordinance Text Amendment –To Clarify The Duties And Authority Of The Zoning Administrator By Amending City Code Chapter 78, Article III, Division 29, "Administration And Amendments", Section 78-936, "Duties Of Zoning Administrator".

Mr. Ocel presented the text amendment language and provided an example of a situation where it would have better served to have had this language amended to more closely coincide with State Code.

Mr. Ocel noted that Mr. McAfee had raised a question regarding the appeals process. Mr. Ocel said that the appeals process is addressed in a separate section of the Code – Section 78-6.

Dr. Gratz asked if the language should read his/her instead of "his" in order to be more politically correct.

Mr. Ocel said he could make that change.

Dr. Gratz referenced Sec. 78-936 (a)(ii) "insuring". He asked if the more correct word to use would be "ensuring".

Mr. Ocel noted that "insuring" came directly out of the State Code but that he would check with the City Attorney.

There was no public comment on this item.

7. Zoning Ordinance Text Amendment- Zoning Ordinance Text Amendment - Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 5, Nonconforming Uses and Structures Section 78-152 in order to bring this Section into compliance with the State Code. The amendment changes the language regarding the reconstruction of a damaged building or structure.

Mr. Ocel presented the language for the text amendment. He noted that he had spoken to Mr. McAfee prior to the meeting regarding some comments Mr. McAfee had relating to the text amendment. He said Mr. McAfee had suggested omitting some of the language but that he had talked with the City Attorney, who concurs with him that the language needs to remain as is and approved as such.

Dr. Gratz said for clarification that he noted the old text says "Sec. 78.152...*exceeding 50% of its assessed value may be....*" However the new text reads "...*building is damaged greater than 50 percent....*" He questioned if it would be better to go with the 50% "assessed" value versus "50 percent" of the building structure itself or vice versa.

Mr. Ocel said the ordinance is saying "damage" of 50% of the structure instead of 50% of the value. However, he said if there were a scenario such as this he would get the opinion of the Building Official. He also noted that the language in question has been taken directly from the State Code.

Dr. Gratz asked about allowing a rebuild after a fire...accidental versus intentional. He suggested that perhaps the new City Code language should mimic the exact language as that which is in the State code to avoid confusion and to better protect a homeowner from a possible renter that may want to damage the property in that way.

Mr. Ocel asked Dr. Gratz if he was saying the State Code was clearer.

Mr. McAfee suggested that the City Attorney and Staff are inclined to use the exact State Code language for the previous amendment as Mr. Ocel had stated, then perhaps the City Attorney will be inclined to use the exact State Code language for this amendment.

Mr. Ocel said he would run the suggestions by the City Attorney and get back to the Commission.

There was no public comment on this item.

Mr. McAfee closed the public hearing portion of the meeting.

UNFINISHED BUSINESS/ACTION ITEMS

8. **Zoning Ordinance Text Amendment –To Clarify The Duties And Authority Of The Zoning Administrator By Amending City Code Chapter 78, Article III, Division 29, "Administration And Amendments", Section 78-936, "Duties Of Zoning Administrator".**
9. **Zoning Ordinance Text Amendment- Zoning Ordinance Text Amendment - Amending City Code Chapter 78, Zoning, Planning and Development, Article III, Zoning, Division 5, Nonconforming Uses and Structures Section 78-152 in order to bring this Section into compliance with the State Code. The amendment changes the language regarding the reconstruction of a damaged building or structure.**

It was determined that Mr. Ocel would go back to the City Attorney with the questions raised tonight on both of the ZOTA items and return for a vote on the two items at the Commission's October 28th meeting.

Mr. Whelan made a motion to table the two text amendments (Items 8 and 9) and allow staff time to discuss questions raised this evening.

Dr. Gratz seconded the motion.

Motion carried unanimously.

OTHER BUSINESS

10. The September 9, 2009 Planning Commission Minutes were approved as submitted.

11. Planning Commissioner Comments

- Mr. Whelan asked if additional text amendments would be forthcoming.
Mr. Ocel said there are possibly a few more housecleaning items that will be coming forward.
- Dr. Gratz asked if perhaps the Lafayette Boulevard Corridor Study could qualify for "shovel-ready stimulus money."
- Mr. McAfee commented on the Lafayette Boulevard Corridor Study, saying that it appears to be a viable plan and was happy to see it made to be more visibly pleasing and pedestrian friendly.
- Mr. Ramoneda said he would be unable to attend the Commission meeting on October 28th.

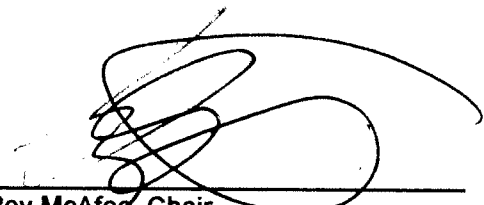
12. Planning Director Comments

- Mr. Ocel said that the City Council has reverted the Preservation Plan back to the staff for review, which will include review by the Planning Commission and the ARB. He said that Mr. Nelson, Senior Planner, and he have been working on this and as the beginning of part of this process they want to start out with a public

input session and are scheduling a community meeting on preservation in the City on November 4th at 7:30 p.m. in the Council Chambers to solicit input from the public, not on the Preservation Plan that has been developed, but more to let people know what components make up a preservation plan and then get a general idea from people of what they think should be preserved in the City and to begin a dialogue. He said this will be much like what the City did in the beginning when it were updating the Comp Plan or working on the Princess Anne Street Corridor Guidelines – to get a public meeting first and get their input and then proceed. Mr. Ocel said they would be inviting the Planning Commission and the ARB but it would not be a presiding ARB/PC joint work session. He said they are just being invited to attend as they had been in the past. He said they would be having a more formal work session combining those two bodies in the near future.

- Ms. Spears asked who would be invited to this meeting and how the public was informed of this meeting.
 - Mr. Ocel said everyone is invited and there is an ad on the City website and a newspaper ad soliciting public input, and sending out notices to a couple community groups.
 - Ms. Spears asked if they are asking for opinions on the draft Plan..
 - Mr. Ocel said they really do not want opinions on the Preservation Plan draft but rather be more generally focused on what is included in the Plan and what people believe they would like preserved in the City.
 - Ms. Spears asked how this coincides with moving the Plan forward and does this mean that the Task Force will have to go back and meet some more.
 - Mr. Ocel said he does not think the task force so much as it will be the Commission and the ARB and their review. Time-wise, he said , the direction from Councilman Kelly was that he wanted to get this back to Council in time for him to vote on before he leaves office June 30th. So this will be the first of some extra meetings reviewing and making comments on the Preservation Plan.
- Mr. Ocel reminded Commissioners that the first meeting in November, which would have initially fallen on November 11th, has been moved to November 18th due to the Veterans' Day holiday on the 11th and the city being closed.
- Mr. Ocel noted that the City Council approved the special use permit requests for: Hope House; Scott Howson and the Cal Ripken field. He also noted that they had first read the two zoning ordinance text amendments relating to the BZA.
- Mr. Ocel informed Commissioners of an upcoming VDDA Annual Conference being held at the Courtyard Marriott. Keynote speaker: David Holder, former Director of Econ Dev for the City.
- Mr. McAfee asked if there have been any new developments in the mixed use ordinance.
 - Mr. Ocel said he is still working on it and hopes to have something by the October 28th meeting.
- Mr. Ocel also noted that the City Council approved 4-hour parking for the Holiday Shopping season to run from mid November through January 1.
 - Mr. McAfee asked how the public will be notified since the signs all say 2-hr parking.
 - Mr. Ocel said staff will be implementing how the word will get out.
- Mr. McAfee asked that Commissioners be reminded of the meeting scheduled for November 4th and November 18th the day before each meeting.
- Mr. McAfee suggested he would like to host a Christmas Party at his home this year and would like to set a date possibly at the next meeting.

MEETING ADJOURNED



Roy McAfee, Chair